

MINUTES

DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE OF THE WHOLE

January 12, 2010

Conference Room 520, 1 Mendota Road, West St. Paul, Minnesota

1. CALL TO ORDER AND ROLL CALL

Commissioner Paul J. Krause, Chair of the Physical Development Committee of the Whole, called the meeting to order at 9:00 a.m. Commissioners in attendance:

Commissioner Joseph A. Harris, District 1
Commissioner Kathleen Gaylord, District 2
Commissioner Thomas Egan, District 3
Commissioner Nancy Schouweiler, District 4
Commissioner Liz Workman, District 5
Commissioner Paul J. Krause, District 6
Commissioner Willis E. Branning, District 7

Also in attendance were:

Brandt Richardson, County Administrator
Lynn Thompson, Division Director
Jay Stassen, Assistant County Attorney
Jeanne Nash Hoffmann, Administrator Coordinator

2. INTRODUCTION OF NEW STAFF

There was no new staff to introduce.

3. AUDIENCE

Chair Krause asked if anyone in the audience wished to address the Committee on an item not on the agenda or if anyone wished to discuss an item on the Consent Agenda. No one came forward.

4. APPROVAL OF THE AGENDA

Motion by Commissioner Harris, Second by Commissioner Egan, and passed on a 7-0 vote to approve the agenda for January 12, 2010, as presented.

5. CONSENT/INFORMATION AGENDA

Motion by Commissioner Branning, Second by Commissioner Workman, and passed on a 7-0 vote to approve the consent agenda.

5.1 – Minutes Of The December 1, 2009 Meeting

Information item; no action requested.

5.2 – Information On Dakota County Parks and Open Space Revenue Options Study

Information item; no action requested.

5.3 – Authorization To Execute Joint Powers Agreement With City Of Hastings For Well Sealing Initiative And Authorization To Waive Related Well Sealing Fees

WHEREAS, by Resolution No. 98-680 (November 17, 1998), the Dakota County Board of Commissioners granted authorization for the Physical Development Director to apply for and accept a Minnesota Pollution Control Agency (MPCA) Clean Water Partnership grant in the amount of \$75,000 to conduct the Phase I Hastings Area Nitrate Study (HANS), which determined that nitrate and pesticide contamination are impacting domestic and municipal water supplies in the eastern portion of the County; and

WHEREAS, by Resolution No. 05-39 (January 25, 2005), the Dakota County Board of Commissioners granted authorization for the Physical Development Director to accept an U.S. Environmental Protection Agency (EPA) Section 319 Grant in the amount of \$191,539, which together with the required local matching funds, resulted in a total three-year project budget of \$485,839 to conduct a Phase II Hastings Area Nitrate Study; and

WHEREAS, the County completed the EPA Section 319 Phase II Hastings Area Nitrate Study on September 30, 2008, working with the University of Minnesota Extension, the farming community of eastern Dakota County, and other project partners to conduct local research and provide outreach on appropriate nitrogen fertilizer rates and other practices to reduce groundwater contamination; and

WHEREAS, by Resolution No. 08-245 (May 20, 2008), the Dakota County Board of Commissioners granted authorization for the Physical Development Director to apply for a MPCA Clean Water Partnership Continuation Grant to continue and expand these activities; and

WHEREAS, the MPCA awarded the County a Clean Water Partnership Continuation Grant on October 1, 2008, and it is the goal of this Phase III Hastings Area Nitrate continuation study to enhance and protect drinking water supplies by implementing water quality improvement activities identified in the Phase I Study and initiated in Phase II; and

WHEREAS, an unsealed, unused well is a potential threat to the City of Hastings' drinking water supply because it has the ability to provide a direct connection between contamination at the surface and the groundwater; and

WHEREAS, well sealing is a high priority for the County, the City of Hastings, and the Minnesota Department of Health.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a Joint Powers Agreement with the City of Hastings for the implementation of the Hastings Well Sealing Initiative, as presented to the Physical Development Committee of the Whole at its January 12, 2010, meeting, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Water Resources Department Director to waive the County well sealing permit fee for those property owners who successfully participate in the Hastings Well Sealing Initiative under the terms and conditions of the joint powers agreement and any other conditions as set by the Water Resources Department.

5.4– Plat Commission Update – This was an information item; no action was requested.

6. REGULAR AGENDA

6.1 – Approval Of Thompson County Park Phase Two Preferred Development Concepts

Parks and Open Space Facility Development and Natural Resources Manager Bruce Blair addressed the Committee along with Ken Grieschabe, from SRF Consulting, and Tim McIlwain from Haben, Christenson and McIlwain Architects. Bruce briefed the Committee on the Phase II study focus areas that include improving trail circulation, incorporating large picnic shelter into the park, creating a children's natural play area, providing multi-purpose open lawn and picnic areas, creating gathering/event spaces in the park, incorporating patio terrace overlooks, and improving lake edge stabilization and vegetation buffers. Bruce outlined comments that had been received at stakeholder meetings.

Bruce explained the layout for each of the following areas:

- Area 1 – Large Picnic Shelter
- Area 2 – Natural Water Play Area

Area 3 – Multi Purpose Open Lawn and Picnic Area
Area 4 – Performance Area
Area 5 – Patio Terraces
Area 6 – Wedding/Event Gathering Area

Bruce explained that the Committee was only being asked to recommend adoption of the Phase II project preferred site organization and picnic shelter concept. Because of budget constraints, staff is recommending that the County not proceed with design or development at this time. Discussion was held on possible opportunities that could be moved forward with this project that would generate revenue. Bruce indicated that if this was not going into the development stage at this time, staff could look at what could be done to upgrade the park to alleviate the tripping hazards on trails and the lights that had been vandalized. The Committee urged staff try to advance parts of phase II to keep the project moving forward.

Motion by Commissioner Schouweiler, Second by Commissioner Gaylord and passed on a 7-0 vote to recommend that the County Board adopt the following resolution.

WHEREAS, by Resolution No. 05-343 (July 12, 2005), the Dakota County Board of Commissioners adopted the Thompson County Park Master Plan (master plan); and

WHEREAS, the master plan provides direction for the development of Thompson County Park; and

WHEREAS, Phase I of master plan implementation included realignment of the Stassen Lane vehicle entrance to the park and other closely related improvements; and

WHEREAS, the master plan provides direction on additional development to improve the recreational experience and safety, responsibly manage storm water, and improve natural resource quality; and

WHEREAS, the Thompson County Park Phase II Project (Phase II) includes master plan development recommendations such as the introduction of water-based play elements, a new picnic shelter at the north end of the park, an outdoor event space, improved trail circulation, and other closely related development; and

WHEREAS, the firm of SRF Consulting Group, Inc. (SRF) was hired for the provision of required site schematic and picnic shelter design to accomplish Phase II; and

WHEREAS, staff and SRF developed Phase II goals and a work program derived from the master plan and prepared site organization and picnic shelter design alternatives; and

WHEREAS, the Dakota County Park and Recreation Advisory Committee (PARAC) reviewed the site organization and picnic shelter concept alternatives on December 2, 2009; and

WHEREAS, the PARAC provided comment to further direct development of a preferred site organization and picnic shelter design concept; and

WHEREAS, staff and SRF presented the site organization and picnic shelter concept alternatives for public review and comment on December 15, 2009; and

WHEREAS, staff and SRF developed a preferred site organization and picnic shelter concept; and

WHEREAS, the PARAC reviewed the preferred site organization and picnic shelter concept and public comments on January 6, 2010, and provided additional comment.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the Thompson County Park Phase II project preferred site organization and picnic shelter concept, as substantially presented to the Physical Development Committee of the Whole on January 12, 2010.

6.2 – Approval Of Acquisition And Authorization To Initiate “Quick Take” Condemnation Right Of Way For Cedar Avenue Transitway

County Transportation Director Mark Krebsbach and Assistant County Transportation Director Todd Howard addressed the Committee. The action before the Committee was the approval of acquisition of 5 parcels. Three more RBAs will be coming to the County Board for the other 154 parcels. Discussion was held on the challenges and risk associated with quick take since new legislation went into effect. The County's costs could exceed the costs that are currently estimated at \$9,840,000. Staff have worked to minimize projects impacts; there is no "strip" taking of property, the number of parcels needed was decreased from 220 to 159. Todd outlined other expenses that have been reduced to help bring this project in within budget.

Next steps involve getting the Agreements with the City of Lakeville and Apple Valley signed; sending out offer letters after the cities have approved their agreements, and entering into an agreement with Mn/DOT.

Motion by Commissioner Branning, Second by Commissioner Egan and passed on a 7-0 vote to recommend that the County Board adopt the following resolution:

WHEREAS, Dakota County is proceeding with the design of Bus Rapid Transit in the Cedar Avenue (CSAH 23) Corridor from south of 179th Street in Lakeville to 138th Street in Apple Valley in County Projects 23-59, 23-64, and 23-70 (Projects); and

WHEREAS, the Projects include the construction of bus shoulder lanes and access modifications along CSAH 23 and the construction of a third through lane from 162nd Street in Lakeville to 153rd Street in Apple Valley; and

WHEREAS, acquisition of right of way is necessary to move forward with the Cedar Avenue corridor projects; and

WHEREAS, five of the right of way parcels have been appraised and offers will be made to the property owners; and

WHEREAS, the appraised value of this portion of the new right of way is \$36,600; and

WHEREAS, Federal and Counties Transit Improvement Board (CTIB) funds are anticipated to cover 90% of the right of way costs and the remaining 10% will be shared with Lakeville or Apple Valley per joint powers agreement; and

WHEREAS, adequate funds are available in the Transportation Capital Improvement Program (CIP) budget for Cedar Avenue right of way acquisition in 2010; and

WHEREAS, in the event that timely acquisition by direct negotiation of all required parcels does not appear possible, it is necessary to have the County Board authorize the County Attorney to initiate "quick take" condemnation of the remaining parcels to allow a fall 2010 start date.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves acquisition of right of way for Cedar Avenue Bus Rapid Transit (County Projects 23-59, 23-64 and 23-70) and authorizes payment from the 2010 Transportation CIP budget as follows:

Dakota County Right Of Way Map No. 324

Parcel #	Owner	Value
46	James Kiet Ly	\$ 6,200
48	Bruce Beck	\$ 5,400
49	Terrance Bartsh	\$ 2,600
50	Michael & Lori Ulick	\$ 1,400
136	Theodore Midthun	\$21,000
Total estimated value:		\$36,600

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney to initiate "quick take" condemnation of these five parcels, in the event that timely acquisition by direct negotiations of all parcels does not appear possible, to allow a fall 2010 start date.

6.3 – Authorization To Execute Agreements With City Of Apple Valley And City Of Lakeville For County Projects 23-59, 23-64 and 23-70, Cedar Avenue Transitway

County Transportation Director Mark Krebsbach, County Assistant Transportation Director Todd Howard, and Transportation Engineer/Cedar Avenue Project Manager Kristine Elwood briefed the Committee on the agreements with the cities of Apple Valley and Lakeville. Mark Krebsbach briefed on the financial aspect and walked through the complicated funding mechanism for Cedar Avenue. Discussion was held on the minimal amount the cities are contributing to this project. Mark highlighted the total funding package and the percentages of the project funding that were received from the Federal government, the State Bonding Funds and CTIB. Dakota County's share of this \$57,277,911 is \$3.5 million. The County's share will increase only if the total of right of way costs and construction goes over the \$57,277,911 total budget. He also outlined the funding responsibilities the cities will assume for inspection utility and construction administration.

Using a revised Attachment B that outlined the Predominant Terms of the Agreements with the individual cities, Kristine Elwood highlighted the items for discussion in accordance with County policy and also the items that are unique to this project which do not follow existing policy. She responded to questions.

Motion by Commissioner Egan, Second by Commissioner Branning, and passed on a 7-0 vote to recommend that the County Board adopt the following resolution.

WHEREAS, Dakota County is the lead agency for County Projects (CP) 23-59, 23-64 and 23-70 in partnership with the Cities of Apple Valley and Lakeville, the Dakota County Regional Rail Authority, the Metropolitan Council and the Minnesota Valley Transit Authority; and

WHEREAS, right-of-way acquisition, highway and transitway construction, signal construction, utility relocations and streetscape improvements are planned for CP 23-59,23-64 and 23-70; and

WHEREAS, an agreement with the City of Apple Valley is necessary to define the County's and City's responsibilities and obligations regarding the right-of-way acquisition, highway and transitway construction, signal construction, utility relocations and streetscape improvements; and

WHEREAS, an agreement with the City of Lakeville is necessary to define the County's and City's responsibilities and obligations regarding the right-of-way acquisition, highway and transitway construction, signal construction, utility relocations and streetscape improvements; and

WHEREAS, final design is near completion and will provide construction plans and specifications; and

WHEREAS, entering into an agreement with the City of Apple Valley is necessary to proceed with the project; and

WHEREAS, entering into an agreement with the City of Lakeville is necessary to proceed with the project; and

WHEREAS, the Transportation Department is planning construction of CP 23-59, 23-64 and 23-70 beginning in 2010; and

WHEREAS, the approved 2010–2014 Transportation Capital Improvement Program includes CP 23- 59, 23-64 and 23-70.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an agreement with the City of Apple Valley for CP 23-59 and CP 23-64, consistent with the terms presented at the January 12, 2010 Physical Development Committee of the Whole meeting, and subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an agreement with the City of Lakeville for CP 23-59 and CP 23-70, consistent with the terms presented at the January 12, 2010 Physical Development Committee of the Whole meeting, and subject to approval by the County Attorney's Office as to form.

6.4 – Proposed Amendments To Dakota County Ordinance No. 110, Solid Waste Management

Environmental Management Director Jeff Harthun briefed the Committee; he highlighted the suggested changes and responded to questions. This was an information item; no action was requested.

6.5 – Proposed Amendments To Dakota County Ordinance No. 111, Hazardous Waste Regulation

Environmental Management Director Jeff Harthun briefed the Committee; he highlighted the suggested changes and responded to questions. This was an information item; no action was requested.

6.6 – Discussion On Recent Changes To Speed Zone Statutes Impacting County Highways In Urban Districts

Dakota County Traffic Engineer Kristi Sebastian briefed the Committee on the statewide speed zone task force study including how the final state statute changes affected Dakota County highways that had previously utilized the urban district definition for a 30 mph speed posting. Commissioner Gaylord had requested this be placed on a Physical Development Committee agenda to provide an opportunity for the Committee to consider supporting legislative action to address the speed changes along highways, particularly in South St. Paul and West St. Paul including Butler Avenue. Mark Krebsbach stated that he will be attending the Minnesota County Engineers conference next week. He will discuss the issue with other metro county engineers to determine how this affects roadways under their jurisdiction and how they are proceeding. No legislative action will move forward on this issue.

This was an information item; no action was requested.

6.7 - Update on Dakota County 2030 Transportation Plan

Transportation Planner Scott Peters briefed the Committee on the proposed revisions to the 2030 Transportation Plan. He and Brian Sorenson (Dakota County Transportation Program Engineer) responded to questions. Staff was directed to bring updates to the County Board in a workshop format. This was an information item; no action was requested.

DIRECTOR'S REPORT

Lynn Thompson provided her update to the Physical Development Committee.

- Lynn briefed them the increased recycling of electronics. As of January 2, there is no cost to the citizens to drop off most electronics at the Recycling Zone in Eagan.
- Lynn stated that staff will be presenting an RBA to the February Physical Development Committee meeting, on the naming of the new regional park in Empire Township.
- Lynn provided information on the Met Council Dial A Ride process. The Dakota County RFP submittal is now scheduled for January 20.

ADJOURNMENT

Commissioner Krause adjourned the meeting at 12:15 p.m.

Respectfully submitted:

Jeanne Nash Hoffmann
Administrative Coordinator